

1		BEFORE THE	
2		ILLINOIS COMMERCE COMMISSION	
3	IN THE MATTER OF:)	
)	
4	UNION PACIFIC RAILROAD COMPANY,)	
)	
5	Petitioner,)	
)	No. T14-0140
6	vs.)	
)	
7	ILLINOIS DEPARTMENT OF)	
	TRANSPORTATION, WILL COUNTY)	
8	and WILMINGTON TOWNSHIP)	
)	
9	Respondents.)	
)	
10	Petition for an Order of the)	
	Illinois Commerce Commission)	
11	authorizing modification and)	
	reconfiguration of the grade)	
12	crossing warning devices,)	
	crossing surfaces and approaches)	
13	required for the installation of)	
	an additional railroad track at)	
14	(1) the grade crossing)	
	inventoried as DOT #290502J at)	
15	(M.P. 52.99) at what is)	
	commonly known as North 1st)	
16	Street and under the jurisdiction)	
	of Will County, Illinois, (the)	
17	"North 1st Street Grade)	
	Crossing"), (2) the grade)	
18	crossing inventoried as DOT)	
	#290500V at (M.P. 52.54) at what)	
19	is commonly known as Kankakee)	
	Street/Township Road 44 and under)	
20	the jurisdiction of the City of)	
	Wilmington, Will County, Illinois,)	
21	(the "Kankakee Street Grade)	
	Crossing"), (3) the grade)	
22	crossing inventoried as DOT)	
	#290498W at (M.P. 51.94) at what)	

1 is commonly known as East)
Kankakee River Drive/Township)
2 Road 106 and under the)
jurisdiction of the City of)
3 Wilmington, Will County, Illinois)
(the "East Kankakee River Drive)
4 Grade Crossing"), the grade)
crossings are all located in)
5 Will County, Illinois, at their)
respective intersection with the)
6 main line track of Union Pacific)
Railroad Company, on the Joliet)
7 Subdivision

8 Chicago, Illinois

9 March 24, 2015

10 Met, pursuant to notice, at

11 11 o'clock a.m.

12 BEFORE:

13 MS. LATRICE KIRKLAND-MONTAQUE,
Administrative Law Judge

14

APPEARANCES:

15

MR. MACK SHUMATE

16

101 North Wacker Drive, Suite 1920

Chicago, Illinois, 60606

17

appearing for the Union Pacific Railroad
Company;

18

MR. LAWRENCE PARRISH

19

100 West Randolph, Suite 6-600

Chicago, Illinois 60601

20

appearing for the Office of Chief
Counsel for the Illinois Department of
21 Transportation;

22

1 APPEARANCES (continued):

2 MR. BRIAN VERACRUYSSSE

527 East Capitol Avenue

3 Springfield, Illinois 62701

4 appearing for the Rail Safety Section of
the Illinois Commerce Commission

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20 SULLIVAN REPORTING COMPANY, by
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I N D E X

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS	EXMNR.
JOHN VENICE	7	24			
JENNIFER CRUMBLISS	26	35			46
JOHN VENICE (recalled)			47		

E X H I B I T S

PETITIONER'S	FOR IDENTIFICATION	IN EVIDENCE
GROUP A thru H	14	49
I thru K	14	49

1 JUDGE KIRKLAND-MONTAQUE: By the power vested in
2 me by the State of Illinois and the Illinois
3 Commerce Commission, I now call Docket No. T14-0140.
4 This is in the matter of Union Pacific Railroad
5 Company vs. The Illinois Department of
6 Transportation, Will County, and Wilmington
7 Township, and this is on a petition for an Order of
8 the Commission authorizing modification and
9 reconfiguration of the grade crossing warning
10 devices, crossing surfaces and approaches required
11 for the installation of an additional railroad track
12 at the grade crossing inventoried as DOT No. 290502J
13 at what is common as North 1st Street.

14 All right. With that, I will start
15 with the appearances. Let's have Union Pacific.

16 MR. SHUMATE: My name is Mack, M-A-C-K, Shumate,
17 S-H-U-M-A-T-E. I'm an attorney with the Union
18 Pacific Railroad Company. Our offices are at
19 101 North Wacker Drive, Suite 1920, Chicago,
20 Illinois, 60606.

21 JUDGE KIRKLAND-MONTAQUE: Thank you.

22 IDOT.

1 MR. PARRISH: I'm Lawrence Parrish. I'm with the
2 Office of Chief Counsel for the Illinois Department
3 of Transportation. Our address is 100 West
4 Randolph, Suite 6-600, Chicago, Illinois, 60601.
5 Telephone number is 312-793-2965.

6 JUDGE KIRKLAND-MONTAQUE: Thank you.
7 Staff.

8 MR. VERACRUYSSSE: Brian Veracrussse, V- as in
9 Victor -E-R-A-C-R-U-Y-S-S-E, representing the Rail
10 Safety Section of the Illinois Commerce Commission.
11 Phone number is 312-636-7760. Thank you.

12 JUDGE KIRKLAND-MONTAQUE: Okay. And let the
13 record reflect that there's no representative here
14 from Will County or Wilmington Township.

15 So I'll give you the floor,
16 Mr. Shumate.

17 MR. SHUMATE: Thank you, your Honor.

18 I would like to make one correction,
19 and if you will note on the very top up here it says
20 for North 1st Street and it says Will County,
21 Illinois.

22 Technically, this particular street,

1 we have been informed by Will County, is under the
2 jurisdiction of the City of Wilmington as are the
3 other two states, which are the subject of today's
4 hearing. So for 1st Street, Kankakee Street, and
5 East Kankakee River Drive are all under the
6 jurisdiction technically of the City of Wilmington
7 according to the City of Wilmington and the folks at
8 Will County.

9 JUDGE KIRKLAND-MONTAQUE: Okay.

10 MR. SHUMATE: And I would like to call first as
11 my first witness John Venice.

12 JUDGE KIRKLAND-MONTAQUE: Okay.

13 (Witness sworn.)

14 All right.

15 JOHN VENICE,
16 called as a witness herein, having been first duly
17 sworn, was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY

20 MR. SHUMATE:

21 Q. Okay. Mr. Venice, let's set your
22 foundation, please. By whom are you currently

1 employed?

2 A. I'm employed by the Union Pacific Railroad

3 Company in Chicago.

4 Q. And what is your current title?

5 A. I'm a manager of special projects in the

6 engineering department of the railroad.

7 Q. And how long have you worked for the

8 railroad and/or its predecessors?

9 A. Just over 16 years.

10 Q. Are you familiar with the subject matter of

11 today's hearing?

12 A. Yes, I am.

13 Q. Have you had an opportunity to visit the

14 crossings or members of your staff?

15 A. Yes, we have.

16 Q. And are you generally familiar with the

17 purposes of this particular petition?

18 A. Yes, I am.

19 Q. And, in your own words, would you explain

20 why the Union Pacific Railroad is seeking authority

21 to have the crossings modified at these three

22 locations?

1 A. Sure. In order to accommodate the Illinois
2 Department of Transportation's 110 mile an hour
3 Chicago to St. Louis, which is what's called the
4 "High Speed Rail Project," we're adding an
5 additional track to, let say, improve the flow of
6 the trains.

7 This additional track that we're
8 adding to the UP's infrastructure will allow an
9 Amtrak train to either pass, or go around, or, in
10 fact, meet in the opposite direction of the freight
11 train or any other opposing rail traffic to keep the
12 Amtrak 110 mile-an-hour trains on their schedule.

13 Q. Mr. Venice, there are three grade crossings
14 that are going to be affected by this program; is
15 that correct?

16 A. That's correct.

17 Q. And will all three grade crossings have
18 their surface modified?

19 A. Yes, they will.

20 Q. And will all three crossings have a change
21 to the signalization system that's there currently?

22 A. Yes, they will.

1 Q. And what type of signalization system will
2 be installed?

3 A. Well, when the project is complete, we'll
4 have what's called a "four-quadrant gate system,"
5 which simply means grade crossing flashing lights
6 and gate arms at each quadrant or each entrance to
7 the crossing.

8 Q. Okay. After the -- strike that. Assuming
9 that the Illinois Commerce Commission approves the
10 modifications of the three crossings, will
11 modifications to the grade crossing warning devices
12 also be required?

13 A. Yes, they will.

14 Q. And will plans be developed for that by the
15 Union Pacific Railroad?

16 A. Yes. The Union Pacific Railroad Company
17 will develop the signal design plans for the
18 four-quadrant gate system warning devices at each
19 crossing.

20 Q. After the signal plans are developed, who do
21 they get submitted to for review?

22 A. Once the signal plans are completed, they're

1 submitted to the Illinois Commerce Commission via
2 what's called the "Form 3 Process."

3 Q. Is that to the Staff?

4 A. It is to the Staff of the Illinois Commerce
5 Commission.

6 Q. And under the Form 3 Process, can you
7 describe essentially what occurs?

8 A. Basically this is a form, which is I think
9 in the nature of a petition, which is submitted
10 electronically to the Commerce Commission via a
11 program called "E-docket." This form, in addition
12 to the signal plans, is reviewed by Commerce
13 Commission Staff.

14 Q. And after they review it, if they have a
15 recommended change, does that then go back to the
16 railroad for modification?

17 A. Yes. In the event that the Commerce
18 Commission Staff request a change to the signal
19 design, we then would modify, based on whatever
20 change was suggested, and then resubmit the revised
21 signal designs via the Form 3 process again.

22 Q. And then what is the process after the grade

1 crossing surface is installed and the signal system
2 is implemented on top of that? After it's
3 completed, what then occurs?

4 A. Well, once it's completed, there are monthly
5 tests and yearly tests of the signal operation as a
6 system to insure it's working as designed.

7 Q. Is there a final filing that's made to the
8 Illinois Commerce Commission indicating that the
9 signal system has been completed?

10 A. Yes. Typically, we will file something
11 called the "Notice of Completion" with the Commerce
12 Commission to let them know the project is done.

13 Q. Okay. Now what will be the nature of the
14 signal systems that would be installed at all three
15 locations which is the subject of today's hearing?

16 A. At each of these locations, there will be
17 the four-quadrant grade system installed.

18 Q. Will there be loop detectors installed in
19 the roads?

20 A. There will be loop detectors installed in
21 the roads and also on the surface itself to detect
22 if there are any motor vehicles stopped on the

1 surface. The system will alert the high speed
2 trains that there is an obstruction and will give
3 the indication to the engineer of the speed trains
4 to slow down.

5 Q. Directing your attention now to what's been
6 referenced as East Kankakee River Drive, that's DOT
7 No. 290498W, Milepost 51.94. Is it the preference
8 of the Union Pacific, if possible, to close this
9 particular crossing?

10 A. Yes, and we have been in dialogue with the
11 City of Wilmington forks for just over two years now
12 on potential closure of this crossing.
13 Unfortunately, to-date we have not been successful.

14 Q. But if an agreement is reached prior to the
15 installation of the crossing, then this particular
16 crossing will be removed, if possible; is that
17 correct?

18 A. Yes. If we reach a mutual agreement with
19 the City of Wilmington, we would permanently close
20 the crossing and remove the surface there.

21 Q. If no such agreement is reached, then this
22 particular crossing will be modified in accordance

1 with the plans that have been submitted and have the
2 full system grade crossing warning devices; is that
3 correct?

4 A. Yes, it is correct.

5 (Whereupon, UP Group Exhibit
6 No. A thru H & I thru K
7 were marked for
8 identification.)

9 Q. Okay. Now, Mr. Venice, I would like to draw
10 your attention to the slides --

11 A. Okay.

12 Q. -- just for a couple of things, just to
13 familiarize everybody here.

14 Okay. I'm showing you what's UP Group
15 Exhibit A, Page 1 of 2.

16 A. Okay.

17 Q. Would you just generally quickly explain
18 what this is?

19 A. This is just basically a Google Earth
20 overview print of the area of the siding project.

21 Q. And this is in the town of or the City of
22 Wilmington; is that correct?

1 A. Yes, it is generally.

2 Q. And it shows that three crossings in yellow
3 which will have modifications to the grade crossing?

4 A. Yes. The three crossings in yellow are the
5 public crossings which will be modified with the
6 additional track.

7 Q. Now in blue there's reference to a private
8 drive and also a private grade separation. Will
9 those be notified in any way, shape or form?

10 A. Just the additional track will also pass
11 through those two locations in the blue.

12 Q. And will those crossings be modified as part
13 of that?

14 A. Yes, they will.

15 Q. And will it be both signalization and
16 surface?

17 A. Well, the private drive will be notified
18 with signals. Water Street is a grade separation we
19 are going to modify, but it's rail over road.

20 Q. Okay. And both the blue crossings
21 referenced in the print those are private in nature
22 and technically not subject to the jurisdiction of

1 the Illinois Commerce Commission, is that correct,
2 to your knowledge?

3 A. That is my understanding.

4 Q. Now we have here what's marked as Page 2 of
5 UP Group Exhibit A. Are you familiar with this
6 document?

7 A. Yes, sir.

8 Q. Okay. Just in your own words, can you
9 explain what it is?

10 A. This is just an overview of the inventory at
11 each location by milepost, name of the street,
12 village of jurisdiction, and the scope of work,
13 meaning what we're planning to do at each of the
14 locations.

15 Q. Most importantly, on the right-hand side is
16 a collision history of five years; is that correct?

17 A. Yes, it is.

18 Q. Does the subject crossing of today's hearing
19 have any of these -- had an accident history?

20 A. Yes, they have. The only accident was at
21 East Kankakee River Drive in 2013 and,
22 unfortunately, it was a fatality.

1 Q. And it says there ATK. What does that mean?

2 A. The accident was with an Amtrak train.

3 Q. Now I'm going through these plans for the
4 actual track work and the crossing modifications
5 now, but I'm just going to start with each crossing
6 so we can see each crossing.

7 A. Okay.

8 Q. The first one is North 1st Street
9 DOT No. 290-502J at Milepost 52.99. I'm going to
10 show you these pictures. Would you just describe
11 what you see here. The first one, which is UP Group
12 Exhibit C, Page 2 of 6, it says looking north. What
13 does this mean?

14 A. Okay. This is simply a picture taken at the
15 1st Street crossing looking to the north.

16 Q. And so this crossing surface would be
17 removed and replaced with a new surface; is that
18 correct?

19 A. It will accommodate the extra track.

20 Q. Now this is looking west; is that correct?

21 A. This is the 1st Street crossing as it exist
22 today just looking to the west.

1 Q. Now currently what type of signal system is
2 at that crossing based on the photograph?

3 A. You have a signal system which is simply
4 flashers only to warn motorists.

5 Q. So when it is done, what type of signal
6 system will be there?

7 A. We will be installing a four-quadrant gate
8 system which means flashing lights and gates at each
9 quadrant or entrance to the crossing.

10 Q. Also loop detectors?

11 A. We will have also loop detectors.

12 Q. Would you explain what loop detectors are?

13 A. Loop detectors are something that's actually
14 in the pavement of the crossing that will sense any
15 vehicles that are present.

16 Q. And so what is the purpose of the loop
17 detector with regard to detecting a vehicle?

18 A. The purpose of the loop detector is actually
19 two-fold. If there is a vehicle on the loop
20 detector, the gates will allow that vehicle to exit
21 the crossing if it is physically going over the
22 crossing at the time the gates are going down and

1 also with the 110 mile-an-hour operation we have a
2 system called "ITCS" that allows the engineer of the
3 110 mile-an-hour train to know or be given a signal
4 if there is a vehicle on the crossing detected by
5 the loop detector that will send a signal to the
6 engineer and let him know to slow down that there's
7 some type of an obstruction the loop detector is
8 sensing in that area.

9 Q. So it's for both reasons. It's for public
10 safety; is that correct?

11 A. Absolutely, yes.

12 Q. Now I'm going to show you -- it says looking
13 south -- the same crossing.

14 A. Yes.

15 Q. And technically do you know which side of
16 the track the new track is going to be placed?

17 A. It will be placed as we are looking north to
18 the right, so looking south on the left.

19 Q. So if I go back to this slide here looking
20 north --

21 A. My direction's off a little bit. The new
22 main track will be to the left.

1 Q. To the left? Okay.

2 Now directing your attention to

3 Kankakee Street Township Road (4), this is Milepost

4 52.54 DOT No. 290-500 V - like in Victor -- so this

5 I can look north.

6 A. Yes.

7 Q. And so this is how this crossing is

8 currently configured?

9 A. It is.

10 Q. And it currently has a type of a signal

11 system.

12 A. It's got basically just the two-quadrant

13 gate system.

14 Q. So flashing lights and gates?

15 A. It is.

16 Q. And this will also be changed; is that

17 correct?

18 A. This will be operated to a four-quadrant

19 gate system with the loop detectors.

20 Q. And on looking at this picture, which side

21 of the existing track will the new track be

22 installed?

1 A. The new track will be installed -- let's
2 see. So if you are looking at it, it will be
3 installed to the east which is on the right side as
4 you are looking north.

5 Q. So toward where that truck is?

6 A. Right, on the side of the white pickup
7 truck.

8 Q. For purposes of the record, okay, so this is
9 looking west; is that correct?

10 A. Yes, sir.

11 Q. And this has a side sidewalk on it also
12 looking west; is that correct?

13 A. It does have a sidewalk.

14 Q. Will that sidewalk have its own signal
15 system?

16 A. Yes. There are pedestrian warning devices
17 planned to accommodate sidewalks.

18 Q. Will there also be fencing on these
19 locations?

20 A. There will.

21 Q. And then this is looking south; is this
22 correct?

1 A. Yes, it is.

2 Q. All right. Now directing your attention to
3 East Kankakee River Drive, this is DOT No. 290-498W,
4 and it's Milepost 51.94. Now this is UP Group
5 Exhibit E, Page 2 of 5. Is this a fair and accurate
6 representation of what the crossings look like
7 today?

8 A. Yes, it is.

9 Q. What type of signal system is there?

10 A. You have a two-quadrant gate system now.

11 Q. And then these will be removed and a
12 four-quadrant gate system installed?

13 A. Yes, sir.

14 Q. Now at this particular crossing there are
15 three tracks; is that correct?

16 A. There are.

17 Q. And this will be changed to how many tracks
18 when it's done?

19 A. I believe at this crossing, since we have
20 three tracks already, we are only going to shift the
21 existing track to accommodate a 20-foot track
22 center.

1 Q. I see. Okay. And then one of the three
2 tracks that goes in this industry on this one?

3 A. It does.

4 Q. Maybe this shows it better. This is the
5 Page 4 of 5 UP Exhibit E looking south. So the
6 industry track is the track that veers off to the
7 left?

8 A. Yes, that's correct. I guess the track in
9 the middle will be the second main line track and
10 the track furthest right will be shifted to
11 accommodate 20-foot track centers for a
12 110 mile-an-hour operation.

13 Q. Now this is the particular tracking that the
14 Union Pacific is currently still in negotiations to
15 potentially close; is that correct?

16 A. Yes.

17 Q. And this is looking at the roadway west; is
18 that correct?

19 A. It is correct, yes.

20 MR. SHUMATE: Now I have no further questions for
21 Mr. Venice and then for a couple of technical
22 questions I'm going to ask a member of our engineers

1 who actually prepared these.

2 JUDGE KIRKLAND-MONTAQUE: Mr. Veracruyse, do you
3 have any questions for Mr. Venice?

4 MR. VERACRUYSE: Just for purposes of the
5 record, your Honor.

6 CROSS EXAMINATION

7 BY

8 MR. VERACRUYSE:

9 Q. Mr. Venice, ITCS that you referred to, is
10 that Incremental Training Control System?

11 A. Yes.

12 Q. And that's a product by General Electric?

13 A. Yes, it is.

14 Q. Is it your understanding this will be for
15 passenger trains only and not freight trains?

16 A. Yes, that's correct. The ITCS system will
17 only be for the 110 mile-an-hour Amtrak trains.
18 It's not contemplated for freight trains at this
19 time.

20 Q. Thank you. And as a general course for the
21 construction, shall I wait for Ms. Crumbliss or do
22 you have -- can you give a sense of what the timing

1 for all this work is?

2 A. Well, this is in Tier 6, which is the
3 northernmost portion of the project. My
4 understanding is that it would be late this year or
5 early 2016.

6 Q. And then in terms of the completion time
7 frame, how long would the Union Pacific need to get
8 the work completed?

9 A. As far as a realistic time frame, perhaps
10 second or third quarter of 2016 before it's fully
11 completed.

12 Q. In terms of your coordination with the City
13 of Wilmington, have you been involved with
14 discussions with them?

15 A. Yes.

16 Q. When was your last discussion?

17 A. We met with the City of Wilmington, I want
18 to say, in January of this year to talk about
19 several topics.

20 Q. So then I'll wait on any further questions
21 in coordination with the plans themselves.

22 Thank you, Mr. Venice. Thank you,

1 your Honor.

2 JUDGE KIRKLAND-MONTAQUE: Mr. Parrish.

3 MR. PARRISH: I don't have any questions, your

4 Honor.

5 MR. SHUMATE: Now I would like to call Jennifer

6 Crumbliss, if I can.

7 JUDGE KIRKLAND-MONTAQUE: Please raise your right

8 hand to be sworn.

9 JENNIFER CRUMBLISS,

10 called as a witness herein, having been first duly

11 sworn, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY

14 MR. SHUMATE:

15 Q. Jennifer, would you spell your name for the

16 record, please.

17 A. Jennifer, J-E-N-N-I-F-E-R, Crumbliss,

18 C-R-U-M-B-L-I-S-S.

19 Q. And is it all right if I call you Jennifer?

20 A. Yes.

21 Q. Jennifer, by whom are you currently

22 employed?

1 A. I work for HDR.

2 Q. And what is HDR?

3 A. We are a consulting design firm that works
4 under contract with the Union Pacific.

5 Q. And your offices are located where?

6 A. They are at 8404 Indian Hills Drive, Omaha,
7 Nebraska, 68114.

8 Q. Are you an engineer?

9 A. I am.

10 Q. And what type of engineer?

11 A. Civil engineer.

12 Q. Okay. And are you responsible for the plans
13 your team -- you and your team --

14 A. Yes.

15 Q. -- responsible for plans which have been
16 submitted as part of the Union Pacific's petition in
17 this matter?

18 A. Yes.

19 Q. Did you help prepare those plans?

20 A. Yes.

21 Q. And have you had an opportunity to view any
22 of the crossings which are the subject of today's

1 hearing?

2 A. Yes.

3 Q. And have you had any discussions with the
4 City of Wilmington and their representative with
5 regard to this project?

6 A. Yes.

7 Q. Now I would like to direct your attention to
8 which is Union Pacific Group Exhibit I through K.
9 Are you familiar with these documents?

10 A. Yes.

11 Q. You and your team did you prepare them?

12 A. Yes, our team prepared them.

13 Q. And why were these documents prepared and
14 submitted to the Illinois Commerce Commission, and
15 to the City of Wilmington, and IDOT, and the
16 Commission for their review?

17 A. Why?

18 Q. Why.

19 A. To facilitate the high-speed rail program.

20 Q. Are these updated plans?

21 A. Yes. They have been undated since the
22 90 percent version that was submitted previously.

1 Q. So these are pretty close to being the final
2 plans?

3 A. Yes.

4 MR. SHUMATE: Now I realize -- I apologize,
5 your Honor, for this, but this next slide is hard to
6 see.

7 MR. SHUMATE: Q. And, Jennifer, I know your
8 people put this together these next two slides.
9 I'll show this one also. For purposes of the
10 record, this is Union Pacific Group Exhibit I,
11 Page 1 of 2, replacement page for Page 10 of UP
12 Group Exhibit B and replacement Page 12 of UP Group
13 Exhibit B. Why do we have placement pages?

14 A. Because during the process of the design
15 from 90 to final, there were some changes that were
16 made in the plans.

17 Q. So between these two pages, does it show the
18 location of the three crossings that are going to be
19 reconstructed?

20 A. It shows two of the three.

21 Q. Two of them?

22 A. Yes.

1 Q. And the one that's not there is which one?

2 A. The first two. There were no changes on
3 those sheets.

4 Q. There were no changes? Okay.

5 I would like to go to J now. I'm
6 showing you Union Pacific's Group Exhibit J, Page
7 1 of 17, it says North 1st Street.

8 A. Yes.

9 Q. This one's a little bit clearer. This is
10 black and white.

11 In your own words, would you tell
12 us what this depicts?

13 A. Okay. The street today is two template
14 (sic) lanes at the crossing. We show adding
15 reconstructing from, let's see, north of railroad
16 Street to about 100 feet south of the crossing on
17 1st Street.

18 Q. Would you feel more comfortable going up
19 there and just showing everybody, feel free to do
20 that.

21 A. So we were reconstructing from a little bit
22 this side of Railroad Street (indicating) to about a

1 hundred feet south on 1st Street flattening out the
2 profile. The existing track is shifting a little
3 bit to the east and then the new track is to the
4 west with the north being up this way (indicating).

5 Q. Let me interrupt you for a second. What is
6 happening is you are showing a modification to the
7 adjacent road that's required for the modification
8 to the actual crossing; is that correct?

9 A. Yes.

10 Q. And that's all part of the project?

11 A. Yes.

12 Q. And is it all funded through the Illinois
13 Department of Transportation as part of a high-speed
14 rail program?

15 A. Yes.

16 Q. And so this shows how many crossings at this
17 particular location?

18 A. This is one crossing, 1st Street.

19 Q. And how many tracks?

20 A. Two tracks.

21 Q. Okay.

22 A. No sidewalks, just shoulders, four point

1 shoulders.

2 Q. Let's look at what's been marked as Union
3 Pacific Group Exhibit J. That's Page 5 of 17 on
4 this set of exhibits.

5 A. Okay.

6 Q. Okay. Can you tell us what this is?

7 A. That's the sign-in marking sheet of
8 1st Street, I believe.

9 Q. Okay.

10 A. So it shows where the stop bars are being
11 placed on each side approaching and a double yellow,
12 and also there are railroad signs that are being
13 added and the railroad crossing mark signs.

14 Q. The area that's dark and has little like
15 boxes in it --

16 A. Yes.

17 Q. -- what is that?

18 A. These are access drives that are aggregates
19 that tie into the track maintenance driveway.

20 Q. When you say "aggregate," that means there's
21 just a gravel road --

22 A. Gravel, yes.

1 Q. -- so that railroad vehicles can service the
2 track and the signals?

3 A. Yes, the signal house.

4 Q. Okay. So we don't have any more in each of
5 those slides because we don't have that one
6 crossing, right? Well, what's this one?

7 A. This is Kankakee Street.

8 Q. For the record, this is Union Pacific Group
9 Exhibit K, Page 1 of 14. Okay. What's this
10 showing?

11 A. This shows the plan view of the
12 reconstruction of the street profile. The limits go
13 all the way down to Canal Street for the profile
14 adjustment. The track is in super elevation.
15 There's more railroad work that needs to be done on
16 the approaches. It also shows about 150 feet of
17 work on Chicago Street.

18 Q. Does this particular crossing, to your
19 recollection, have any type of side signals?

20 A. Yes. There's -- due to Chicago Street,
21 there's going to be side lights on the quad gates
22 for that side of the street.

1 Q. For this particular project, do you know
2 whether or not any of the signal systems are
3 proposed to be interconnecting with any highway
4 traffic signals?

5 A. Not on this crossing, no.

6 Q. How about on this project? Do you know if
7 all three of them?

8 A. Not on any of these.

9 Q. Not on any of these? Okay.

10 Now this is another photograph of the
11 same location. This is Union Pacific Group Exhibit
12 K at Page 8 of 13. What does this show?

13 A. This is the sign-in pavement marking sheet
14 for the Kankakee Street. It shows the markings for
15 the advanced railroad markings, and it also shows
16 various signs that are needed for the high-speed
17 rail and for the rest of the roads.

18 Q. These signings and markings are those in
19 accordance with the MUTCD been adopted by the
20 Illinois Commerce Commission?

21 A. Yes.

22 Q. I'm going to ask you this question. Based

1 on your knowledge of this entire project, is there
2 anything that I have failed to ask you that you
3 think would be helpful to the judge in rendering a
4 decision with regard to our request to modify the
5 crossings and the signal systems which is part of
6 our petition?

7 A. No, I don't think so.

8 MR. SHUMATE: Your Honor, we have no further
9 questions.

10 JUDGE KIRKLAND-MONTAQUE: Mr. Veracruesse, do you
11 have any questions?

12 MR. VERACRUYSSSE: Yes, your Honor. Thank you.

13 CROSS EXAMINATION

14 BY

15 MR. VERACRUYSSSE:

16 Q. Ms. Crumbliss, for Exhibit J, Page 2, this
17 is the 1st Street profile, let me go to that page
18 real quick. When you get there if you can just let
19 me know.

20 A. Yes.

21 Q. Okay. Thank you. The tracks at this
22 location are they on super elevation?

1 A. Yes, they are.

2 Q. So the profile modifications when you said

3 or testified that you are smoothing it out is in

4 relation to this super elevation, can you --

5 A. Yes.

6 Q. -- describe how the profile traverses,

7 please?

8 A. Sure.

9 MR. SHUMATE: Which number should I put up?

10 MR. VERACRUYSSSE: This is Page 2 of Exhibit J,

11 Page 2 of 17, maybe starting at Station 52 plus 50

12 and working up to stations 54 plus 50 if you could

13 just describe the profile.

14 MR. SHUMATE: Is this the correct slide?

15 THE WITNESS: Yes.

16 MR. VERACRUYSSSE: Yes. Thank you.

17 THE WITNESS: So you said 52 plus 50?

18 MR. VERACRUYSSSE: Q. Yes, then progressing up

19 towards 54.

20 A. So the existing profile is shown as a dashed

21 line and the proposed is the solid line. We're

22 re-profiling the street, coming up at 1.19 percent,

1 then having a grade break of 3.19 to create the 3.19
2 percent that we need across the super elevation, the
3 tracks, then there's a vertical curve that's on the
4 east side. We have a break of 1.9 -- let's see,
5 1.19 percent and then a down grade of 5.1 for the
6 vertical curve. The vertical curve is shown at 60
7 feet for a 30 mile-an-hour K (sic) value of 10.

8 Q. With the super elevation and the tracks
9 themselves at different elevations, by extending the
10 profile out, you are going to improve what is
11 currently there and then account for this second
12 track?

13 A. Yes.

14 Q. Thank you. Turning your attention to the
15 exhibit for Kankakee Street, Exhibit K -- well, just
16 start with Page 1 of 13.

17 MR. SHUMATE: What number was that again?

18 MR. VERACRUYSSSE: Exhibit K, Page 1, of 13, what
19 you have up there. Thank you.

20 MR. SHUMATE: Okay.

21 MR. VERACRUYSSSE: Q. Again, the second track to
22 this location, the tracks will be on super

1 elevation. The tracks will be a different
2 elevation?

3 A. Yes, that's correct.

4 Q. The direction of the tracks in this exhibit
5 can you point out again which direction the tracks
6 are or if you want to state the page to the bottom.
7 Is that track north?

8 A. Track north is to the bottom of the page, so
9 track north is down on the page.

10 Q. And the opposite there's a little note on
11 the top that says "to Springfield timetable south"
12 going to the top?

13 A. Yes, timetable south on the top part of the
14 page.

15 Q. Now the left-hand portion of that note "to
16 Springfield timetable south," can you describe the
17 property in this quadrant of the crossing? There's
18 a larger building, some storage buildings.

19 A. Yes. There's some storage buildings here
20 (indicating). There's an antique shop here
21 (indicating), and there's also storage around the
22 back as well.

1 The project's going to also put in a
2 driveway cut -- curb cut to help access to those
3 parcels. We are still developing the impacts to the
4 actual parcels from a business standpoint and that
5 will be done during real estate negotiations.

6 Q. Can you go through some of those impacts as
7 we go along the roadway in this section?

8 A. Due to the profile of the road with the
9 super elevation and having to basically extend that
10 super elevation and raise the road, we're raising it
11 more than 4, 5 feet in this area (indicating) and
12 then constructing a wall on this side (indicating).

13 So what happens is the driveway that
14 they use today is going to be cut off and they're
15 going to have to go around on Canal Street to come
16 into this property (indicating). That wall --
17 excuse me -- is on the south side of the road and is
18 also on the north side of the road.

19 On the north side of the road we are
20 able to reconstruct a driveway, match that at
21 10 percent, and the walls curve around to match with
22 their loading docks, and we have reconfigured that,

1 and we are going to be building quite a bit of the
2 driveways on what I'm calling the north side of the
3 road.

4 Q. To go along with these then, if we go up to
5 Page 2 of 13, please, of this exhibit, can you
6 highlight how the profile changed and what sort of
7 increase or how high the road is going to
8 increase --

9 A. Yes.

10 Q. -- in this exhibit, please?

11 A. So the top portion of the drawing is the
12 Kankakee Street profile. On the bottom two portions
13 are the side streets, Chicago Street and Canal
14 Street. On the crossing itself, this is where the
15 tracks are in super elevation (indicating).

16 In order to help correct the hump
17 crossing, we have added in a -- this is the
18 extension and the vertical curve that we have added
19 in (indicating). Each of these blocks is about two
20 feet, so we are at 5 feet approximate maximum, 5 to
21 6, depending on where you are.

22 The slope across the tracks is 5.82

1 percent. That is higher than the ICC's 5 percent,
2 but that's due to the tracks themselves, so the
3 profiles are relative to that. We have a -- coming
4 up the 5.82 percent and then going down it's 4.11.

5 Q. And when super elevation of the tracks is in
6 place, the 5 percent rule is not applicable; is that
7 your understanding?

8 A. That is my understanding. Our exhibit also
9 shows some stopping site distance lines.

10 Q. Relative to the stopping site distance, does
11 your new profile and the addition of the track does
12 it modify, does it worsen the stopping site distance
13 associated with the crossing?

14 A. No, it improves it.

15 Q. Thank you. Looking at Page 6 of 13, just to
16 finalize how this profile raise of 5 to 6 feet is
17 going to impact or create design needs with the
18 buildings and the businesses on that east side of
19 the crossing, can you describe what we have in this
20 exhibit on Page 6, please?

21 A. Yes. This is the Kankakee Street typical
22 section drawings, and the top left-hand detail here

1 is the typical section near the crossing basically,
2 and what it shows is two 13 1/2 foot lanes. There's
3 also 18-inch gutters on both sides, so it's 15 feet
4 face-to-face lanes. We also show the block walls
5 that we discussed a minute ago on both sides.

6 Q. One second. I'm sorry. Thank you. So the
7 block wall that will be approximately 5-feet high?

8 A. Yes.

9 Q. So the roadway will be at a higher elevation
10 and then we are going to progress -- the sidewalk
11 will be where?

12 A. The sidewalk -- the sidewalk on the north
13 side of the road will be adjacent to the curb and
14 gutter line. The sidewalk on the south side that
15 leads up to the business would be down below
16 (indicating).

17 Q. So when somebody comes out of a business,
18 they'll be at the sidewalk level and they'll be
19 looking at what?

20 A. The block wall.

21 Q. The block wall?

22 A. And they have to walk around the building to

1 the parking area.

2 Q. Right. Thank you. I think we are done with
3 the exhibit. I just have a couple of questions as
4 far as the coordination, Ms. Crumbliss.

5 As far as the coordination with the
6 City of Wilmington, have they reviewed these plans
7 in detail?

8 A. Yes.

9 Q. Have they provided comments to you?

10 A. They have provided initial comments, and we
11 have resubmitted to them. We are waiting on the
12 final version of those.

13 Q. So with the resubmittal, what aspects are
14 different or what were the comments that were
15 modified possibly by the exhibits that you have in
16 your group exhibits here today?

17 A. I'm thinking. There were some minor
18 comments about notes on the general note pages.
19 There was also a question regarding intersection
20 site distance from Chicago Street which we are
21 working through that.

22 Q. Did they identify any objection or concerns

1 with the second track itself?

2 A. Not to my knowledge, no.

3 Q. And then the roadway profile itself, did

4 they really have any objection to the roadway?

5 A. Their concerns are for the fire trucks

6 getting access to the front doors of the businesses

7 that are down below of the antique store. Some of

8 the things they suggested will be worked through

9 proper negotiations.

10 Q. What sort of property negotiations do they

11 anticipate they wouldn't have addressed their needs

12 or concerns?

13 A. Potentially moving the entrance from the

14 current location, which is along Kankakee Street,

15 making their front door on the inner -- interior

16 side of that property.

17 MR. SHUMATE: Excuse me. What picture are you

18 looking at right now?

19 THE WITNESS: This is the plan view, so --

20 MR. SHUMATE: Is it this one here?

21 THE WITNESS: Yes. So to clarify --

22 MR. SHUMATE: Pedestrian access will be

1 maintained.

2 THE WITNESS: This sidewalk would come around
3 from Canal Street down below where the current doors
4 are (indicating). There would be a retaining wall
5 here (indicating). They can park along Canal Street
6 or they can park back here (indicating). The City
7 of Wilmington fire chief would like to entertain
8 moving this front door to the back on this side of
9 the building (indicating).

10 MR. VERACRUYSSE: Q. If during property
11 negotiations the business isn't able to do that,
12 have there been other contingencies or other plans
13 that have been discussed or has the fire department
14 or fire chief provided any other alternatives to you
15 at this point?

16 A. Not other than a full purchase. We also
17 have entertained taking a piece of this building out
18 and having a turnaround. That would be another
19 potential change.

20 Q. Thank you.

21 A. They don't affect the crossing itself.

22 Q. In terms of your coordination then with the

1 City of Wilmington, you have resubmitted further
2 comments on property negotiations. There's a
3 potential of the plans that we have before you could
4 possibly change?

5 A. It could. There needs to be drainage added,
6 but in the vicinity of the tracks it will not have
7 changed.

8 Q. Thank you very much.

9 JUDGE KIRKLAND-MONTAQUE: Mr. Parrish?

10 MR. PARRISH: I have no questions.

11 MR. VERACRUYSSSE: Thank you.

12 EXAMINATION

13 BY

14 JUDGE KIRKLAND-MONTAQUE:

15 Q. I have a question. I don't know who can
16 answer, but, if I recall, one of the crossings has a
17 pedestrian sidewalk --

18 A. Yes.

19 Q. -- nearby. If I missed it, what are the
20 warning devices proposed for the pedestrian
21 crossing?

22 THE WITNESS: Can I just answer?

1 JUDGE KIRKLAND-MONTAQUE: Yes.

2 THE WITNESS: It would be a pedestrian gate, a
3 smaller trail gate, if you will. On this figure
4 (indicating) it's on the north side of the street,
5 which is the bottom part of the street where it
6 crosses the tracks, and they have an escape pad that
7 we have details for the ICC. We have been working
8 on the whole corridor, and all of the pedestrian
9 crossings are the same.

10 JUDGE KIRKLAND-MONTAQUE: Thank you.

11 MR. SHUMATE: Your Honor, I have follow-up
12 questions. First of all, for Mr. Venice, I
13 neglected to ask these questions.

14 JOHN VENICE,
15 recalled as a witness, resumed the stand and
16 testified further as follows:

17 REDIRECT EXAMINATION

18 BY

19 MR. SHUMATE:

20 Q. Mr. Venice, on the line today how many
21 trains are there now?

22 A. We have a total of 14 trains, 10 Amtrak

1 trains, five northbound, five southbound, and about
2 four freight trains per day first depending upon the
3 business levels.

4 Q. And do you know what the FRA speed rating is
5 on this track?

6 A. The maximum timetable speed here is 79 miles
7 an hour. The Amtrak trains are a little closer to
8 Class 4.

9 Q. And how about for freight trains?

10 A. Freight trains typically are a maximum of
11 60 miles an hour; however, sometimes a local will be
12 running at a slower speed than that.

13 Q. And the construction would permit when
14 finalized what speed for Amtrak trains?

15 A. A hundred-and-ten miles an hour.

16 Q. And other than the accident history that you
17 have already testified to, is there any other
18 accident history that you are aware of?

19 A. No, sir. I checked the FRA records last
20 week for each of the three crossings. The one I
21 mentioned was the only one I found.

22 MR. SHUMATE: At this time your Honor, on behalf

1 of Union Pacific, I would like to offer into
2 evidence the documents that have been referenced and
3 attached to the petition as Union Pacific Group
4 Exhibits A through H and also Union Pacific Group
5 Exhibits I through K.

6 JUDGE KIRKLAND-MONTAQUE: Any objections?

7 MR. PARRISH: No objection.

8 MR. VERACRUYSSSE: No objection.

9 JUDGE KIRKLAND-MONTAQUE: So Petitioner's Group
10 Exhibit A through H and Exhibit I through K are
11 admitted.

12 (Whereupon, Petitioner's
13 Group Exhibits A thru H
14 and I thru K are received
15 in evidence.)

16 MR. SHUMATE: Thank you, your Honor. I have no
17 further questions at this time.

18 JUDGE KIRKLAND-MONTAQUE: Mr. Veracrussse, can
19 you give me Staff's position for the record?

20 MR. VERACRUYSSSE: Your Honor, Staff does not have
21 any objection to the Union Pacific Railroad's
22 petition. We would like to note for Kankakee Street

1 that, pending property negotiations and the
2 continued coordination with the City of Wilmington,
3 we believe if there's any further comments or
4 questions from the city, they have the right to
5 respond to a proposed order or the right to file a
6 petition if they deem necessary. That's all. Thank
7 you.

8 JUDGE KIRKLAND-MONTAQUE: All right.
9 Mr. Parrish, can you give us IDOT's position?

10 MR. PARRISH: IDOT has no objection to the UP's
11 petition, your Honor.

12 JUDGE KIRKLAND-MONTAQUE: Is that all you are
13 going to present on this docket?

14 MR. SHUMATE: Yes, your Honor.

15 JUDGE KIRKLAND-MONTAQUE: I think we can mark the
16 record heard and taken, and I would ask that you
17 present a draft order and it will go out as a
18 proposed order.

19 MR. SHUMATE: We'll do that, your Honor.

20 MR. VERACRUYSSE: I'm sorry, your Honor, just one
21 last item. Just for the title, in terms of the City
22 of Wilmington, Mr. Shumate I think had modified in

1 one of his filings that includes the City of
2 Wilmington as respondent in the front section. They
3 have always been served in the case.

4 Was there any need to modify the
5 heading or the title of the case before us? Because
6 right now it's noted as UP vs. Illinois Department
7 of Transportation, Grundy County, Will County, and
8 Wilmington Township.

9 MR. SHUMATE: Right. And we have served them
10 all.

11 And, John, help me out on this a
12 little bit, if you would. I know the first one that
13 we said was Will County, which was North --

14 MR. VENICE: Yes.

15 MR. SHUMATE: -- 1st Street.

16 We were contacted by Will County and
17 said that's not theirs. It's in the jurisdiction of
18 the City of Wilmington, correct?

19 MR. VENICE: That's correct, yes.

20 MR. SHUMATE: And all these roads are under the
21 jurisdiction of the City of Wilmington?

22 MR. VENICE: That's my understanding, yes.

1 MR. SHUMATE: So that being the clarification, is
2 that all of these roads are under the jurisdiction
3 of the City of Wilmington. They are located in Will
4 County. Some of them are in Wilmington Township, we
5 will call it, but we have been told they're all
6 under the jurisdiction of the City of Wilmington,
7 and we made sure that everybody was served that
8 could potentially have been, either some type of
9 maintenance obligation or rehabilitation obligation,
10 whatever kind of intergovernmental agreement there
11 may have been on many of these roads, we felt that
12 we should serve everybody, and that's what we did.
13 That's Will County, City of Wilmington, and the
14 counties in the area.

15 It turns out that all of these
16 crossings, assuming all of the roads that serve
17 these crossings go over the crossings, are under the
18 jurisdiction of the City of Wilmington.

19 MR. VERACRUYSSSE: For the Certificate of Service,
20 is there any clarification you may need for the
21 title of the case or anything else, given the
22 testimony and from what Mr. Shumate provided?

1 JUDGE KIRKLAND-MONTAQUE: I don't see the City of
2 Wilmington on the caption.

3 MR. VERACRUYSSE: Right. They were just
4 identified in the Certificate of Service.

5 JUDGE KIRKLAND-MONTAQUE: Right. They were just
6 identified. Well, Mr. Shumate can move --

7 MR. SHUMATE: I would add the City of Wilmington
8 and just leave everybody there as their interests
9 may appear, but I would add the City of Wilmington
10 as a respondent.

11 JUDGE KIRKLAND-MONTAQUE: Okay. So I'll take
12 that as a verbal motion to add them and I'll grant
13 you that motion.

14 MR. SHUMATE: Thank you. Thank you.

15 JUDGE KIRKLAND-MONTAQUE: So we'll modify the
16 caption to present the City of Wilmington as well.

17 MR. VERACRUYSSE: Thank your, your Honor.

18 JUDGE KIRKLAND-MONTAQUE: Thank you for pointing
19 that out.

20 So with that, I believe we can mark
21 the record heard and taken, and I'll await a draft
22 order. Okay.

1 MR. SHUMATE: Thank you, your Honor.

2 HEARD AND TAKEN.

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